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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,040	12/02/2003	Bertram Francis Charles Quin	P69287US1	8878

7590 07/22/2008

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EXAMINER	
LANGEL, WAYNE A	
ART UNIT	PAPER NUMBER
1793	
MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/725,040	QUIN, BERTRAM FRANCIS CHARLES	
	Examiner	Art Unit	
	Wayne Langel	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37,39-41 and 43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37, 39-41 and 43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 11-15 and 19-23 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 56-109888. No distinction is seen between the fertilizer composition recited in claims 1-4, 11-15 and 19-23, and that disclosed by JP 56-109888. JP 56-109888 discloses a fertilizer comprising urea coated with sulfur. (See the English Abstract.) It would be expected that the fertilizer composition disclosed by JP 56-109888 would have the same properties as the fertilizer recited in claims 1-4, 11-15 and 19-23, since JP 56-109888 discloses that peeling and cracking does not occur in the sulfur coat, and applicant's specification discloses on page 5, lines 5-7 that the product is without any ready tendency to shed the coating.

Claims 5-10, 16-18, 24-37, 39-41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56-109888 as applied to claim 1 above, and further in view of Patra et al or Hawkins or Omilinsky et al. It would be further obvious from Patra et al or Hawkins or Omilinsky et al to include a urease or nitrification inhibitor with the sulfur-

coated urea of JP 56-109888, since Patra et al, Hawkins and Omilinsky et al all establish the conventionality of such inhibitors.

Claims 9, 18, 25, 29-35, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view o.f Patra et al or Hawkins or Omilinsky et al for the reasons given in the last Office Action. Applicant's argument, that Young nowhere discloses the wet ground sulfur as claimed, is not convincing, since claims 9, 18, 25, 29-35, 40 and 41 do not require that the sulfur be wet ground.

Claims 1-4, 11-15 and 19-23 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious overShirley, Jr. et al (newly cited). No distinction is seen between the fertilizer composition recited in claims 1-4, 11-15 and 19-23, and that disclosed by Shirley, Jr. et al. Shirley Jr. et al disclose sulfur-coated urea granules (col. 1, line 42 to col. 2, line 27.) It would be expected that the fertilizer composition disclosed by Shirley, Jr. et al would have the same properties as the fertilizer recited in claims 1-4, 11-15 and 19-23, since Shirley, Jr. et al disclose at col. 2, lines 17-27 that the coated granules have a reduced tendency to break or crack during storage and normal handling, and applicant's specification discloses on page 5, lines 5-7 that the product is without any ready tendency to shed the coating.

Claims 9, 18, 25, 29-35, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirley, Jr. '098 (of record) in view of Patra et al or Hawkins or Omilinsky et al. It would be further obvious from Patra et al or Hawkins or Omilinsky et al to include a urease or nitrification inhibitor with the sulfur-coated urea of Shirley,

Jr.'098 , since Patra et al, Hawkins and Omilinsky et al all establish the conventionality of such inhibitors.

Claims 28, 32-37, 39-41 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite terminology. For example, the terms "preferably", "crease inhibitor" and "both at least" render the scope of the claims vague and indefinite. In claims 40 and 41, it is indefinite as to what would constitute a "surround", since "surround" is not a noun. In claims 36 and 37, it is indefinite as to whether "such particulate urea" would necessarily be limited to the particulate urea earlier recited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Langel/
Primary Examiner, Art Unit 1793